

Friday, May 29, 2015

The following action minutes are listed as they were acted upon by the Planning Commission and as listed on the agenda for the Regular Meeting of 9:00 AM, together with the maps and staff reports attached thereto and incorporated therein by reference.

Hearings are advertised for 9:00 a.m. Hearings generally proceed in the order listed, unless changed by the Planning Commission at the meeting.

ROLL CALL:

PRESENT: Jim Irving; Kenneth Topping; Eric Meyer; James Harrison; and Don Campbell

ABSENT: None

PUBLIC COMMENT PERIOD

1. Members of the public wishing to address the Commission on matters other than scheduled items may do so at this time, when recognized by the Chairman. Presentations are limited to three minutes per individual.

Eric Greening: speaks.

PLANNING STAFF UPDATES

2. This is the time set for Planning Staff updates.

Trevor Keith, Deputy Director: updates Commissioners on their near term schedules.

CONSENT AGENDA:

3. April 23, 2015 Cancelled Planning Commission meeting minutes.
Thereafter on **Motion by:** Eric Meyer, **Seconded by:** Don Campbell, and on the following vote:

COMMISSIONERS:	AYES:	NOES:	ABSTAIN:	RECUSE:
Harrison, James	x			
Irving, Jim	x			
Campbell, Don	x			
Meyer, Eric	x			
Topping, Ken	x			

The Commission approves Consent item 3.

HEARINGS: (Advertised for 9:00 a.m.)

4. Continued hearing to consider a request by the COUNTY OF SAN LUIS OBISPO for amendments to the Agricultural Element and the Conservation and Open Space Element of the General Plan; and

amendments to Title 8 (Health and Sanitation Ordinance), Title 19 (Building and Construction Ordinance), and Title 22 (Land Use Ordinance) of the County Code in order to implement the Water Neutral New Development and the Water Waste Prevention components of the proposed Countywide Water Conservation Program. The proposed Countywide Water Conservation Program and associated amendments would affect water use in both new and existing development, including all urban and rural land uses within the unincorporated areas of the county as well as agricultural operations. The requested amendments would specifically modify: 1) the Agricultural Element of the County General Plan, Agricultural Goal – AG1 (Support County Agricultural Production), Agricultural Policies – AGP10 (Water Conservation) and AGP11 (Agricultural Water Supplies); 2) the Conservation and Open Space Element of the County General Plan, Water Resource Policy – WR 1.7 (Agricultural operations), Water Resource Implementation Strategy - WR 1.7.1 (Protect agricultural water supplies), and Water Resource Policy - WR 1.14 (Avoid net increase in water use); 3) Title 8 (Health and Sanitation Ordinance) of the County Code for the addition of a new Chapter 8.69 – Urban and Rural Development Water Conservation Requirements; 4) Title 19 (Building and Construction Ordinance) of the County Code, Chapter 7 – Plumbing Code, Section 19.07.42 – Water Conservation Provisions; and 5) Title 22 (Land Use Ordinance) of the County Code, Chapter 22.06 – Allowable Land Uses and Permit Requirements by Land Use Category, Section 22.06.030 - Table 2-2, Section 22.06.040 – Exemptions from Land Use Permit Requirements, Chapter 22.30 – Standards for Specific Land Uses for the addition of a new Section 22.30.204 – New or Expanded Crop Production Overlying the Paso Robles Groundwater Basin, Section 22.30.310 – Nursery Specialties, Chapter 22.62 – Permit Approval or Disapproval, Section 22.62.030 – Zoning Clearance, and Chapter 22.80 – Definitions/Glossary, Section 22.80.030 – Definitions of Land Uses, and Specialized Terms and Phrases. This project affects all of the unincorporated portions of the County. Also for consideration is the Draft Supplemental Environmental Impact Report (DSEIR) was prepared (pursuant to Public Resources Code Section 21000 et seq., and CA Code of Regulations Section 15000 et seq. (“CEQA”)) for this project. The DSEIR was prepared as a Supplemental EIR to the previously certified Environmental Impact Report for the Conservation and Open Space Element (COSE) of the County General Plan, which analyzed the potential impacts associated with the adoption and subsequent implementation of the COSE Consolidation and Update. The DSEIR addresses potential impacts on: Agricultural Resources and Land Use. Mitigation measures are proposed to address these impacts and have been incorporated into the proposed Countywide Water Conservation Program. Prior to completion of the Planning Commission hearings, a Final Supplemental Environmental Impact Report (FSEIR) will be completed (pursuant to CEQA) for this project and will be provided to the Planning Commission for consideration and potential certification recommendation to the Board of Supervisors. CONTINUED FROM 5/14/15

County File Number: LRP2013-00012

APN(s): All

Supervisory District: All

Date Accepted: N/A

Project Manager: Xzandrea Fowler

Recommendation: Review and provide comments

Xzandrea Fowler, Project Manager: presents staff report via a Power Point presentation.

Ken Topping: reports he missed the last hour and a half of the May 14, 2015 meeting, however viewed the live streaming of video and is caught up with this item.

Commissioners & staff: discuss the DSEIR alternatives.

Commissioners: begin review of Pg. 5-9 in regards to expanded ag offsets and in terms of ratios.

Commissioners: discuss deed language in terms of terminology for when deed restrictions go away.

Whitney McDonald, County Counsel: explains how the language and where the language would be placed in the ordinance and certain deed restrictions circumstances.

Xzandrea Fowler, Project Manager: overviews the comments received on the EIR sections; Executive Summary and Project Description,

Commissioners: each request the Power Point presentation shown at today's meeting be included in their next meeting packet.

Commissioners and staff: continue on with Pg. 28 & 29, Tables 9 and 10, in terms of Ag. offset program figures in the Paso Robles Ground Water basin.

Michael Hanebutt, staff: presents ag water offset program implementation information; specifies amendments to Title 22, the General Plan, the Conservation and Open Space Element (COSE); and shows the text changes on screen.

Eric Meyer suggests a perimeter map to be included with Ms. Fowler stating this will be used and provides reasoning.

Ken Topping: opens Public Comment.

Gary Kirkland, Sue Luft, Laurie Gage (Pro Water Equity group), Claire Wineman, Joy Fitzhugh, and Bob Brown: speak.

Commissioners: request Ms. Gage provide notes to them for future reference.

Jim Irving: asks for clarification on baselines and levels that constitutes historical and significant in terms of the declines between 1997-2013, with staff responding.

Commissioners: discuss definitions in terms of drops in levels of water.

Michael Hanebutt, staff: continues on with the changes to Title 22.

Jim Irving: asks about the sunset provision adopted -can it be over ridden by agency in terms of

Whitney McDonald, County Counsel: speaks to how unclear the language is as currently drafted. Is looking to the Commission to help with this language because there is the possibility that there could be more than one GSP, and provides Commissioners with further clarification.

Commissioners: discuss implementation language on Pg. 3-11 in terms of exclusions and analyze section A. through E.

Commissioners: begin discussing exemptions in term of the word "continuous". Discuss crop rotation in terms of exemptions and would like language for this returned.

Whitney McDonald, County Counsel: analyzes "rotational" language in relationship to the urgency ordinance

Xandrea Fowler: suggests the Commission discuss Item D "Permit Requirements" in terms of these decisions being ministerial or discretionary.

Commissioners: discuss discretionary permits in terms of appeals of the ministerial process. Would like appeal process language in place.

James Harrison: would like to know how the wells will be monitored with Mr. Hannebutt responding.

Don Campbell: discusses re-planting in terms of the language "discretionary" and is in favor of a discretionary process, or an appeal process.

Commissioners: would like language "contiguous" in terms of exemptions further studied and brought back at the next hearing

Commissioners: deliberate language for "Eligible" sites for participation in terms of on site and off site offsets.

Commissioners: would like discretionary review in terms of receiving sites and sending sites.

Courney Howard, Public Works: presents a power point presentation on the requested supply option feasibility studies.

Don Campbell: would like further reasoning on how the ground water levels will change in terms of the projection map and the San Juan basin area.

Commissioners: discuss figures of access allocation list and the process the State uses to figure out allocations.

Commissioners: agree to leave "receiving site cannot be within an area of severe decline".

Whitney McDonald, County Counsel: asks Commissioners what they would like the areas of "severe decline" to be -with Commissioners responding and requesting this be returned at the next meeting.

Michael Hanebutt, staff: continues with review of Section F. Application contents, and G.

Commissioners: discuss the Davis figures and options for exemptions at the next meeting.

Commissioners: discuss the 20 acre exemption and farm to table food providers considered uses being the same as a single family residence.

Michael Hanebutt, staff: continues on with Section 22.30.301 Nursery specialties.

Cheryl Cochran, staff: presents a Power Point presentation on Program implementation of urban/rural water offsets. Displays revisions and edits to Title 19, Chapter 7 -the Plumbing Code.

Commissioners: discuss meter reading in terms of rights to reading the meter, or keeping a log.

Commissioners: would like 4. ii to have reference to "subject to confirmation by code enforcement.

Cheryl Cochran, staff: directs Commissioners to the changes to water neutrality requirements changes in the Conservation and Open Space Element.

Ken Topping: opens Public Comment.

Joy Fitzhugh (SLO Farm Bureau), and Clair Wineman (Grower/Shipper group): speak.

Whitney McDonald, County Counsel: speaks to adjudication in regards to proof of historical water uses in terms of allowance of crop production.

Commissioners: discuss public comments and suggestions.

Commissioners: discuss the Nipomo Mesa water conservation area (Old Town) in terms of what level of severity this area falls under.

Xzandrea Fowler, Project Manager: overviews project implementation of agricultural water waste prevention (AGP10 - Water Conservation).

Commissioners: discuss landscape requirement alternatives in terms of new developments.

Jim Harrison: would like Section 8.69.030 (4) to indicate potable water and provides reasoning.

Xzandrea Fowler, Project Manager: continues on with Section 8.69.040 Indoor Plumbing and fixtures, Section 8.69.060 Swimming Pools.

Commissioners: discuss potable water in pools, spas, and hot tubs. Discuss Section 8.69.070 regarding wells being tested with a response of cholophorm bacteria in terms of recirculated water. Commissioners would like further clarification on potable.

Eric Meyer: feels ponds and lakes should be deleted from Section 8.69.070 -"Decorative Fountains" with commissioners responding.

Xzandrea Fowler, suggests creation of a new section addressing ponds and lakes. Continues on with Section 2 Enforcement of the Provisions, Section 3 General Rule Exemption, Section 4, Section 5 -procedures if adopted by the Board of Supervisors (BOS) and when it would take effect. Speaks to the next steps in the process i.e. environmental review, program amendment/development, and meeting objectives for the next meeting on June 4, 2015. Also discusses meeting objectives for the July 30th meeting.

Ken Topping: would like the Power Point presentations provided today. Overviews today's meeting.

Don Campbell: thanks staff and compliments staff on the order of these hearings. Commissioners: all in agreement with the order and organization of the meeting.

Eric Meyer: would like to know if there will be any repercussions of having the Urgency Ordinance expire and what strategies are there from prohibiting anyone from taking advantage of that window of time with Commissioners commiserating on this. Would like a record made of the posting of the review notice with Ms. Fowler stating the notice was hand delivered to the County Clerk's office in person by Planning and Building Department staff.

Thereafter on **Motion by:** Eric Meyer, and **Seconded by:** Don Campbell, and on the following vote:

COMMISSIONERS:	AYES:	NOES:	ABSTAIN:	RECUSE:
Harrison, James	x			
Irving, Jim	x			
Campbell, Don	x			
Meyer, Eric	x			
Topping, Ken	x			

The Commission continues this item to June 4, 2015.

Thereafter on **Motion by:** Don Campbell and **Seconded by:** Eric Meyer, and on the following vote:

COMMISSIONERS:	AYES:	NOES:	ABSTAIN:	RECUSE:
Harrison, James	x			
Irving, Jim	x			
Campbell, Don	x			
Meyer, Eric	x			
Topping, Ken	x			

The Commission accepts all correspondence entered into the record.

Thereafter on **Motion by:** Eric Meyer, **Seconded by:** Don Campbell, and on the following vote:

COMMISSIONERS:	AYES:	NOES:	ABSTAIN:	RECUSE:
Harrison, James	x			
Irving, Jim	x			
Campbell, Don	x			
Meyer, Eric	x			
Topping, Ken	x			

The Commission adjourns to the next regularly scheduled meeting on June 11, 2015.

ADJOURNMENT

Respectfully submitted,
Ramona Hedges, Secretary
San Luis Obispo County Planning Commission

Minutes approved at the xx/xx/xx Planning Commission meeting.